

TRIVELLA & FORTE, LLP
ATTORNEYS AT LAW
1311 MAMARONECK AVENUE, SUITE 170
WHITE PLAINS, NEW YORK 10605
(914) 949-9075

August 12, 2022

VIA ECF:

Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

RE: Trustees of the NYC Dist. Council of Carpenters Pension Fund, et al. v. Tobin Woodworking, Inc., et al., Case No. 22 CV 3470 (KPF) -request to extend deadline to answer the Complaint and serve Initial Disclosures to September 2, 2022 and serve discovery demands to September 9, 2022

Dear Judge Failla:

This office represents Defendant Tobin Woodworking, Inc. Tobin Woodworking, Inc. respectfully requests the Court grant Defendant Tobin Woodworking, Inc. an extension of time to answer the Complaint from August 15, 2022 to September 2, 2022. Tobin Woodworking, Inc. further request that the Court grant an extension of time for all parties to serve initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) from August 15, 2022 to September 2, 2022. Defendant Tobin Woodworking, Inc. also requests an extension until September 9, 2022 for all parties to serve document demands and interrogatories. Plaintiffs consent to the extension.

On April 29, 2022, Plaintiffs served Defendants through the Secretary of State for the State of New York. (ECF Doc. Nos. 6, 7). On May 24, 2022, Plaintiffs served Defendants with the Court's May 18, 2022 Initial Conference Order. (ECF Doc. No. 9). Defendant Tobin Woodworking, Inc. and Defendant Anfield Interiors, Inc. did not receive actual notice of this action until June 6, 2022 and June 8, 2022, respectively. (See ECF Doc. Nos. 10, 11). On June 28, 2022, Plaintiffs met and conferred with Defendants concerning Defendants' time to answer the Complaint. The parties agreed to respectfully request an extension of Defendants' time to file an answer until August 8, 2022 to allow the parties to engage in amicable settlement discussions seeking to resolve of all claims without requiring judicial intervention. The Court granted that extension.

Thereafter the parties engaged in settlement discussions and Plaintiffs are currently considering a settlement offer. Tobin Woodworking, Inc. requested the Court extend the time for Defendants to answer the Complaint from August 8, 2022 until August 15, 2022, which extension was granted. Thereafter on August 9, 2022 Plaintiffs'

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counsel sent an email requesting additional information regarding the Defendants' settlement offer. This office needs the additional time to confer with Tobin Woodworking, Inc. and Defendant Anfield Interiors, Inc.'s counsel regarding that information request. This extension request is made so that if the information is provided to Plaintiffs' counsel and the Defendants' settlement offer is accepted this office does not have to bill Tobin Woodworking, Inc. for drafting the answer and initial disclosures and discovery demands. This request is the fourth request for an extension of time to answer the Complaint, the third request to extend the Initial Disclosure deadline, and the first request to extend the deadline to serve document demands and interrogatories. No prejudice to any party or excessive delay to the Court's calendar results from the extension of time. No other deadlines are required to be changed if this motion is granted.

Thank you for the Court's kind attention to this matter. Please notify this office of the Court's decision.

Respectfully submitted,

TRIVELLA & FORTE, LLP

Christopher A. Smith

Christopher A. Smith

cc: Virginia & Ambinder, LLP (Plaintiff's counsel)(via ECF); T. Cunningham, Esq. (Defendant Anfield Interiors, Inc. counsel)(via ECF).

Application GRANTED. Defendants shall respond to the Complaint on or before **September 2, 2022**. Further, all parties shall serve document demands and interrogatories on or before **September 9, 2022**. The Clerk of Court is directed to terminate the pending motion at docket number 22.

Dated: August 15, 2022 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE